

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 13 October 2016 in Committee Room 1 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearings

Application for Variation of a Premises Licence for Westfield Service Station, Whitehall Road, Wyke, Bradford. (Document "I")

RECORD OF A HEARING FOR VARIATION OF A PREMISES LICENCE FOR WESTFIELD SERVICE STATION, WHITEHALL ROAD, WYKE, BRADFORD

Commenced:1305
Adjourned:1420
Reconvened:1445
Concluded:1450

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillor M Slater (Ch), Councillor BM Smith and Councillor Swallow

Parties to the Hearing:

Representing the Applicant:

Mr Chadwick – applicant
Mr Botkai – applicant's solicitor

Representing Interested Parties:



Mr Firth – local resident
Mr Firth – local resident
Mrs Ganfield – local resident
Councillor Warburton
Councillor Watson

Representations

The Licensing Officer presented **Document “I”** and noted that since the report had been circulated a request had also been received for a variation of the Designated Premises Supervisor (DPS) for the service station. She explained the variation to the licence requested in the report and the steps which the applicant had stated would be taken to promote the licensing objectives. She also outlined representations which had been received in objection to the application from ward councillors and local residents.

The applicant’s solicitor then made a detailed presentation on behalf of his client explaining that the company was very experienced and currently operated 350 petrol stations. He noted that the store already benefitted from permission to trade for 24 hours and that the application today was to regularise the premises licence to reflect that better and to have a late night refreshment licence which was a legal requirement if hot drinks were to be sold during the night. The applicant company would like to offer that facility, hence the application today.

He noted that there had been no objection to the application for any of the statutory organisations, especially the Police, which he would have expected if the premises had ever been the site of public disorder. He reminded the Panel of the guidance on such applications and the terms of the Council’s own policy.

He advised the Panel that he had attended many such hearings and that they provided a good opportunity to make direct contact with local residents. He had already spoken with two of the objectors and would be following up on some of their concerns. He also stated that he understood the concerns of local residents about the future operation of the premises but reminded the Panel that, in the event of future problems, residents would have the right of review. He then addressed each of the residents’ concerns individually and responded to them in turn.

Members of the Panel then questioned him in respect of the application, asking what the current opening hours or the shop were and whether it could open 24/7 if required. They were advised that the current hours of operation were 0600 to 2200 each day but that there were no restrictions on the store’s opening hours and it could, if required, open 24/7. At the moment, however, the store could not sell alcohol across that whole time frame.

A resident also queried whether the applicant was aware that the Police had been called just over a month ago as there had been an altercation with a large group of young people. The applicant’s solicitor confirmed that he was aware of the incident but it had just been a single incident.

He was also asked whether a log of refused sales was being kept and how much staff training had been undertaken since the applicant had taken over the premises. He advised that a log had been operated since the store was taken over in July and that all staff had been trained since then with a refresher session planned for October.

In response to a question regarding the level of staff considered adequate, he confirmed that if the store was single manned, the doors would be closed and sales would be undertaken via the night pay window.

In response to a question from a resident about the number of staff who were qualified as a DPS, he advised that it was only necessary to have one such staff member but that he could authorise other staff members for the sale of alcohol. For that reason, all cashiers were trained to a good standard and understood their legal responsibilities.

Interested parties, including local residents and ward councillors then made a series of representations in objection to the application.

The resident living nearest to the premises spoke in respect of the application, stressing that his concern was that the sale of alcohol would attract people to the store late at night. He already had problems with large vehicles coming and going at all hours, causing a noise nuisance with doors slamming and air brakes being operated. He stressed that the area was residential; that such problems adversely affected his quality of life and that the problem would be exacerbated by the proposed variation.

Another local resident stated that there had been increased problems of littering, noise and light pollution as a result of the petrol station's trading hours and that the area was not big enough for the large vehicles it attracted. These vehicles then parked on the road and blocked access to local properties. He also reported that there had been incidents of people using the space at the rear of the premises to urinate.

Another resident then addressed the Panel, advising that she represented more than 68 local residents and stressing that the road and junction were both very busy and dangerous. A lot of elderly people lived in the area and there had been problems of break-ins at the service station. She was concerned that the availability of cheap alcohol from the service station would encourage young people to "pre-load" drinks in the vicinity before moving on. She was also concerned that the measures described by the applicant to address the licensing objectives were reactive rather than proactive. She enquired about the number of staff on duty throughout the evening and night and stressed that these premises were very different to the company's premises in Low Moor which were in a mixed industrial and residential area. She also described the problems that occurred in the area as a result of lorry drivers parking up to buy provisions from the service station to eat in their vehicles while stationary. She was concerned that, if successful, this application would increase those problems. She advised the Panel that the current layout of the store did not comply with the plan provided.

In response the applicant's solicitor noted again that no statutory body, particularly the Police, had objected to the application and asked the Panel to consider how relevant the points made were to the application.

A ward councillor then spoke on behalf of local residents, stressing how heavy the traffic was and expressing concern about the potential risk to children from exploitation via offers of cheap alcohol. He noted that there were already other retailers in the area where alcohol could be bought and queried whether another was necessary. He also queried whether additional customers would be attracted during the early hours of the morning, which were the hours applied for. He stated that he always had concerns where alcohol and cars came together as there was a risk of significant public nuisance and harm to child safety.

In response, the applicant's solicitor noted that the local Tesco store already had the ability to sell alcohol 24/7 and that people drive to that store. He also noted that additional customers during the early hours of the morning were not expected rather that this application was intended to add a facility to an already open store.

The question in respect of the store layout was also answered and the Panel was assured that the layout on the plan was the one being applied for.

The Chair then requested closing statements from all those present and the Ward Councillor reiterated his concerns in respect of the hours being applied for in this particular location and the proximity of the store to housing and a busy cross roads.

The applicant's solicitor stressed that the plan contained in the documentation showed the store layout being applied for and that the licence could only apply to the layout shown. He reiterated that the store was merely requesting permission to sell alcohol and hot drinks during the hours being applied for and that most petrol stations only had a single member of staff and operated with closed doors at night. He also noted that staff were not expected to sort out disturbances but were trained to call the Police if such problems occurred. He noted again that the Police had not objected to the application. He referred to the concern expressed about young people "pre-loading" alcohol and stressed that this practice did not occur during the hours being applied for but happened much earlier in the evening.

He noted also that the concerns in respect of traffic and parked vehicles were not relevant to this process and that there was no evidence to show that selling alcohol from petrol stations contributed to drink-driving.

He shared the concerns expressed by a resident in respect of public urination and stressed that this issue would be addressed and resolved.

The Panel then adjourned to deliberate, following which it was

Resolved –

That, having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period; the published statement of licensing policy and relevant statutory guidance; the Panel grants the application for variation subject to the following condition;-

- **The entrance door to the shop will be closed to customers between the hours of 2400 and 0500. Any sales between these hours will be made through the night pay window.**

Reason – to prevent disturbance to residents in the vicinity of the premises – prevention of public nuisance objective.

NOTE: At the conclusion of the meeting, the Chair reminded all those present that questions of anti-social behaviour would need to be addressed via the Police and that questions of parking and double yellow lines would need to be raised with the relevant area committee.

